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PATENT

Attorney Docket No.: MIA-025.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Acton, S.)

Serial No.: 09/163,648)

Filed: September 30, 1998)

Title: Angiotensin Converting Enzyme Homolog and)
Therapeutic and Diagnostic Uses Therefor)

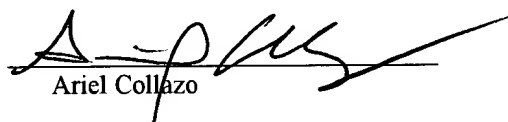
Group Art Unit:

Examiner:

CERTIFICATE MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231.

January 20, 1999
Date of Signature
and of Mail Deposit


Ariel Collazo

Assistant Commissioner for Patents
Box IDS
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed before issuance of an Office Action on the merits.

Copies of the documents listed on Form 1449 were previously submitted to the U.S. Patent and Trademark Office in application number 08/989,299, to which the above-captioned application claims priority under 35 U.S.C. 120. As permitted under 37 C.F.R. §1.98(d), Applicants are relying on these documents to meet the

requirements of 37 C.F.R. §1.98.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-1448.

Respectfully submitted,
FOLEY, HOAG & ELIOT, LLP

By:


Isabelle M. Clauss, Ph.D.
Reg. No. (see attached)

Dated: January 20, 1999
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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE



LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)


Isabelle M. Clauss is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the Foley, Hoag & Eliot, LLP, law firm, to prepare and prosecute patent applications and to represent patent applicants wherein the applicants are clients of the Foley, Hoag & Eliot, LLP, law firm, and wherein a registered practitioner who is a member of the Foley, Hoag & Eliot, LLP, law firm, is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Isabelle M. Clauss ceases to lawfully reside in the United States, (ii) Isabelle M. Clauss's employment with the Foley, Hoag & Eliot, LLP, law firm, ceases or is terminated, or (iii) Isabelle M. Clauss ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: April 16, 1999

A handwritten signature in cursive script, appearing to read "Karen L. Bovard".

Karen L. Bovard, Director
Office of Enrollment and Discipline

APPLICANT FACSIMILE OF FORM PTO-1449 REV 7-80	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY DOCKET NO MIA-025.02	SERIAL NO. 09/163,648
LIST OF PUBLICATIONS CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT Susan L. Acton et al.	
		FILING DATE September 30, 1998	GROUP

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
A	5,480,793	2 JAN 1996	Soubrier et al.	435	212	
AB	5,359,045	25 OCT 1994	Soubrier et al.	536	23.2	
AC						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
A	WO 91/00354	10.01.91	PCT	C12N	15/57	
D						
AE						
AF						

OTHERS (including Author, Title, Date, Pertinent Pages, Etc.)

A	G	Soubrier et al., "Two Putative Active Centers in Human Angiotensin I-converting Enzyme Revealed by Molecular Cloning", <i>Proc. Natl. Acad. Sci., USA</i> , Vol. 85, pp. 9386-9390 (1988);
AH		Bernstein et al., "Mouse Angiotensin-Converting Enzyme is a Protein Composed of Two Homologous Domains", <i>The Journal of Biological Chemistry</i> , Vol. 264, No. 20, pp. 11945-11951 (July 15, 1989);
AI		Lattion et al., "The Testicular Transcript of the Angiotensin I-converting Enzyme Encodes for the Ancestral, Non-duplicated Form of the Enzyme", <i>FEBS LETTERS</i> , Vol. 252, No. 1, 2, pp. 99-104 (July 1989);
AJ		Erdős, Ervin G. and Skidgel, Randal A., Editorial "The Angiotensin I-Converting Enzyme", <i>Laboratory Investigation</i> , Vol. 56, No. 4, pp. 345-348 (1987);
AK		Ehlers et al., "Molecular Cloning of Human Testicular Angiotensin-Converting Enzyme: the Testis Isozyme is Identical to the C-Terminal Half of Endothelial Angiotensin-Converting Enzyme", <i>Proc. Natl. Acad. Sci. USA</i> , Vol. 86, pp. 7741-7745, (October 1989);
AL		Howard et al., "Transcription of Testicular Angiotensin-Converting Enzyme (ACE) is Initiated within the 12 th Intron of the Somatic ACE Gene", <i>Molecular and Cellular Biology</i> , Vol. 10, No. 8, pp. 4294-4302 (August 1990); and
AM		Bernstein et al., "The Isolation of Angiotensin-Converting Enzyme cDNA", <i>The Journal of Biological Biochemistry</i> , Vol. 263, No. 23, pp. 11021-11024 (August 15, 1988).
AN		
AO		
AP		
Examiner		Date Considered
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		